

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re TRADE PARTNERS, INC.,
INVESTORS LITIGATION,

MDL Docket No. 1846
ALL CASES

HON. ROBERT HOLMES BELL

ORDER

On November 29, 2007, the Court entered an order setting this matter for a Rule 16 scheduling conference. (Dkt. No. 42,¹ Rule 16 Scheduling Order.) The Rule 16 scheduling order directed the parties to file a joint status report addressing the desirability of motions for summary judgment on, among other issues, “the application/scope of the choice of law clauses” (Rule 16 Scheduling Order 4.) On December 20, 2008, the parties filed a joint status report which indicated that Macatawa Bank and Macatawa Bank Corporation (collectively “Macatawa”) would file a motion addressing choice-of-law issues by March 3, 2008. (Dkt. No. 57, Joint Status Report 4.) The Court held a Rule 16 scheduling conference on January 14, 2008. At the January 14 scheduling conference no party indicated that motions on the choice-of-law issues were unnecessary. On January 22, 2008, the Court issued its initial case management order which provided that motions on “global dispositive” issues, including choice-of-law issues, were to be filed by March 3, 2008. (Dkt.

¹All docket numbers in this order refer to the docket for File No. 1:07-MD-1846.

No. 97, Initial Case Mgmt. Order ¶ 7.b) The initial case management order did not limit which parties could file motions on the choice-of-law issues. Although Plaintiffs and Defendants filed motions addressing certain “global dispositive” issues on March 3, 2008, none of the motions address the choice-of-law issues. Additionally, no party raised the choice-of-law issues in a response to other parties’ motions on “global dispositive” issues. Lastly, in consideration of Macatawa having indicated in the joint status report that it would file a motion addressing choice-of-law issues Court staff repeatedly contacted Macatawa with regard to the non-filing of a motion addressing choice-of-law issues; however, Macatawa did not respond to those telephone calls from Court staff.

Accordingly,

IT IS HEREBY ORDERED that Plaintiffs and Defendants are deemed to have **ABANDONED** the choice-of-law issues.

Date: April 29, 2008

/s/ Robert Holmes Bell
ROBERT HOLMES BELL
CHIEF UNITED STATES DISTRICT JUDGE